

FILED

IN CLERK'S OFFICE  
US DISTRICT COURT  
E.D.N.Y.  
\* FEBRUARY 24, 2025 \*  
BROOKLYN OFFICE

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

25-mc-00760  
Judge Joan M. Azrack

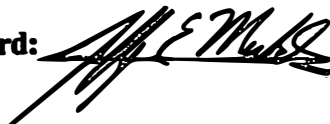
**MISCELLANEOUS CASE INFORMATION SHEET**

<b><u>PLAINTIFF:</u></b> In re application of Issac Levi Pilant	<b><u>DEFENDANT:</u></b> Democracy for the Arab World Now, Inc.; Sarah Whitson
<b><u>IN THE MATTER OF:</u></b> In re ex parte application of Issac Levi Pilant pursuant to 28 U.S.C. sec. 1782, seeking discovery from Democracy for the Arab World Now, Inc. and Sarah Whitson	
<b><u>CAUSE OF ACTION:</u></b> Application to issue subpoenas for testimony and the production of documents for use in foreign proceeding.	
<b><u>RELIEF SOUGHT:</u></b> Order granting authorization to issue requested subpoenas.	
<b><u>ATTORNEY FOR PLAINTIFF:</u></b> Jeffrey Michels Zed & Associates International Advocates LLC 1345 6th Avenue 2nd Floor New York, New York, 10105 Telephone: (212) 671-1349 Noam Schreiber (pro hac vice to be filed) ZELL, ARON & CO. 34 Ben Yehuda St. 14th Floor Jerusalem, Israel 9423001	<b><u>ATTORNEY FOR DEFENDANT:</u></b> Currently unknown  Democracy for the Arab World Now, Inc.; Sarah Whitson 491 Pacific Street, Brooklyn, N.Y., 11217

I am currently a member in good standing of the bar of this Court:

☒ YES ☐ NO

Signature of Attorney of Record:



Date: 02/20/2025

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

-----X

*In re Application of Issac Levi Pilant,*

REQUEST FOR DISCOVERY  
PURSUANT TO  
28 U.S.C. §1782

Case No. 25-mc-

-----X

**APPLICATION FOR DISCOVERY PURSUANT TO 28**  
**U.S.C. §1782<sup>1</sup>**

COMES NOW, Applicant, Isaac Levi Pilant ("Applicant"), and applies for an Order pursuant to 28 U.S.C. §1782 to obtain discovery in the form of the attached subpoenas to be served on (1) Democracy for the Arab World Now, Inc. ("DAWN") and (2) Sarah L. Whitson ("Whitson") for use in a foreign Israeli proceeding to be commenced by Applicant (the "Israeli Proceeding"). A copy of the §1782 subpoenas are attached to this Motion as **Exhibit A**.

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<sup>1</sup> It is neither uncommon nor improper for district courts to grant applications made pursuant to §1782 *ex parte*. The respondent's due process rights are not violated because he can later challenge any discovery request by moving to quash pursuant to Federal Rule of Civil Procedure 45(c)(3). *See In re Edelman*, 295 F.3d 171, 173-175 (2d Cir.2002) (reviewing district court's grant of motion to quash subsequent to *ex parte* grant of § 1782 petition); *Nat'l Broad. Co. v. Bear Stearns & Co.*, 165 F.3d 184, 186 (2d Cir.1999) (same); *see also In re Letters Rogatory from Tokyo Dist.*, 539 F.2d 1216, 1220 (9th Cir. 1976) ("Letters Rogatory are customarily received and appropriate action taken with respect thereto *ex parte* [...]"); *Gushlak v. Gushlak*, 486 F. App'x 215, 217 (2d Cir. 2012).

For the reasons set forth in this Motion, the accompanying Memorandum of Law, the Declaration and exhibits thereto, this Application should be granted.

This Application meets all the statutory and discretionary requirements necessary to obtain discovery under §1782:

1. Respondents “reside” at or are “found” in this district;
2. Applicant, the plaintiff in the Israeli Proceeding, is an “interested” person;
3. The Israeli Proceeding is pending (or will be pending) before a “foreign or international tribunal,” and the information obtained will be used in and in support of the Israeli Proceeding.

In addition, the discretionary factors favoring discovery are also satisfied:

1. Respondents are not parties in the Israeli Proceeding;
2. The Applicant is not attempting to circumvent the requirements of the court presiding over the Israeli Proceeding;
3. Israeli courts are receptive to this form of discovery; and
4. The discovery sought is not unduly burdensome or intrusive.

In further support of this Application, the Applicants rely on the accompanying memorandum of law and the declaration of the Applicant, with attached exhibits submitted herewith.<sup>2</sup>

Wherefore, Applicant respectfully requests that this Court enter an order authorizing him to take discovery under 28 U.S.C. §1782 and serve the attached subpoenas on (1) DAWN and (2) Whitson.

Dated: February 18, 2025

Respectfully submitted,

/s/ Jeffrey E. Michels  
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*Counsel for Applicant*

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<sup>2</sup> The memorandum of law and other supporting documents will be filed through the ECF/CM system once the case is opened.